



Policy and Resources Committee

6 January 2020

Title	Local Development Scheme 2020
Report of	Chairman of the Policy and Resources Committee
Wards	All
Status	Public
Urgent	No
Key	Yes
Enclosures	Appendix A: Barnet's Local Development Scheme 2020
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Summary

The Planning and Compulsory Purchase Act 2004 requires the Council to prepare a three year project plan, the Local Development Scheme (LDS), setting out the programme for preparing and delivering Barnet's Local Plan.

Recommendation

1. That Barnet's Local Development Scheme, as set out in Appendix A to this report, be approved for publication.

1. WHY THIS REPORT IS NEEDED

- 1.1 In order to effectively manage growth and positively respond to a changing National, Local and London-wide agenda on planning the Council needs to keep the Local Plan up to date. In order to show progress on the review of the Local Plan a revision is required to the Local Development Scheme (LDS).

2. REASONS FOR RECOMMENDATIONS

- 2.1 A Local Development Scheme (LDS) is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). It requires local planning authorities to prepare and maintain a LDS specifying a timetable for preparation and revision of Local Plan documents and must be made publicly available on the Council's website and be kept up-to-date to enable local communities and interested parties to keep track of progress. The LDS is a rolling three-year project plan setting out all the Local Plan documents to be produced by the authority and the timetable for their preparation.
- 2.2 The LDS, set out in Appendix A, provides background information on Local Plan document preparation up to 2023 enabling partners, residents and businesses to know where, when and how the planning policy framework for Barnet is progressing. This is the seventh LDS since 2004. It supersedes the LDS the Council published in June 2018.
- 2.3 This LDS sets out a programme for the production of three new Supplementary Planning Documents (SPDs) on Edgware Growth Area, Building Heights and Sustainable Design Guidance. This is in addition to the Middlesex University Hendon Campus SPD identified in the previous LDS. The Council no longer intends to produce an Affordable Housing SPD as the context for affordable housing has changed in London with the publication of the Mayor's Affordable Housing and Viability SPG in 2017 and the London Plan Examination in Public's Panel Report (published in October 2019) finding that the Mayor's policies on affordable housing are justified, endorsing the progress of the draft London Plan. Barnet's Reg 18 Local Plan policy on Affordable Housing (HOU01) has been drafted to be in conformity with the Mayor's approach. Therefore London Plan policies and SPG are considered to provide sufficient guidance for ensuring the delivery of affordable housing from development.
- 2.4 This LDS also sets out the Council's future intentions for producing area planning frameworks with neighbouring boroughs at Brent Cross West and New Southgate. It also signals the Council's intention to produce SPD focusing on Whetstone Town Centre. Progress on this is subject to a scoping report. Transport Hubs SPD has been removed from this LDS as most of the sites/land owned by Transport for London and Network Rail are reflected through Barnet's Reg 18 Local Plan site proposals.
- 2.5 The revised LDS also sets out a timetable for review of the charging schedule underpinning Barnet's Community Infrastructure Levy (CIL) which was introduced in May 2013. A revised CIL charge would contribute to the costs of infrastructure arising from development across the Borough. Given that the CIL hasn't been reviewed since introduction in 2013, it is proposed to carry out a review of the CIL charge independently of the Local Plan to the timetable set out in the LDS. It is also proposed to review the CIL rate concurrently with the Local Plan, to ensure that the CIL rate will continue to be appropriate when applied alongside the new policies in the Local Plan. This timetable is also set out in the LDS.

2.6 Progress on meeting the milestones in the LDS is reviewed annually as part of the preparation of the Authorities Monitoring Report (AMR) which is published on the Council's website.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 The alternative option is not to revise the LDS. This option sends out a negative message to residents, businesses and the development industry that we are not prepared to manage new challenges and opportunities facing the Borough.

4. POST DECISION IMPLEMENTATION

4.1 Following approval by Committee of the LDS a statement of confirmation should be published on the Council's website.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Corporate Plan for 2019-2024's outcomes and priorities are embedded within the documents that are identified in the LDS. In particular Barnet:

- is a pleasant, well maintained borough that we protect and invest in; Our residents live happy, healthy, independent lives with the most vulnerable protected; and Safe and strong communities where people get along well, the LDS sets the programme for a review of the Local Plan and CIL that:
 - provides increased housing choice in mixed communities;
 - supports social infrastructure delivery including new schools that enables children and young people to develop skills and acquire the knowledge to lead successful adult lives;
 - targets unhealthy lifestyles and health inequalities through planning policy;
- where services are delivered efficiently to get value for money for the taxpayer the LDS addresses the need to revise the charging schedule for CIL, the primary source of development contributions to infrastructure provision.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 There are no financial implications arising from the LDS itself, it is a requirement that Council publish one setting out their development plan production schedule. Any financial implications arise from the cost of developing a new Local Plan and potentially from any slippage in the timetable that delays Local Plan production where this impacts on development management decision-making, housing land supply and infrastructure funding.

5.2.2 The preparation of the LDS document is part of core specification and all costs are included in the Strategic Planning Core Fee budget for 2019/20.

5.2.3 Use of IT, Barnet's website and existing community events for publicising the Local Plan, North London Waste Plan and SPDs will be maximised in order to reduce process, consultation and production costs whilst optimising channel change and access by planning customers.

5.3 Social Value

5.3.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. The Act is not applicable in the context of this report as it does not concern a procurement process.

5.4 Legal and Constitutional References

5.4.1 The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 provide guidance on the preparation and adoption of the Local Plan. The Localism Act 2011 allows Local Planning Authorities to adopt their own Local Development Schemes without approval from the Secretary of State and Mayor of London.

5.4.2 Under the Council's Constitution, Document Article 7 (section 7.5 Responsibility for Functions) sets out that the Policy and Resources Committee is responsible for the overall strategic direction of the Council including responsibility for Local Plans.

5.4.3 It is a legal requirement to publish a Local Development Scheme (LDS) containing the timetable for the Local Plan. It is also a legal requirement for the Local Plan to be prepared in accordance with the LDS, and for the LDS to be revised at such time as the local planning authority considers appropriate.

5.4.4 Upon adoption, the LDS becomes a statutory document that forms part of Barnet's planning policy framework. Barnet's Local Plan documents should be prepared in accordance with the LDS.

5.5 Risk Management

5.5.1 The LDS timetable for preparing Local Plan and CIL documents is based on the current legislative and regulatory context, together with assumptions about the availability of resources and the work involved in compiling a robust evidence base.

5.5.2 The Local Plan process listed in the Local Development scheme faces a number of risks and these are managed by the Council's Strategic Planning Operations Board which meets monthly. The major risks are :

- the Local Plan being found unsound by a Planning Inspector. This can be mitigated by use of Planning Advisory Service (PAS) self- assessment toolkits on soundness and legal compliance and ensuring a robust evidence base supports the Local Plan;

- another major soundness risk is on the failure to comply with MHCLG housing requirements and demonstrate exceptional circumstances. It is considered that such national requirements will become clearer in 2020 following the publication of the new London Plan. The Local Plan housing target is only slightly lower than the number that was in the Draft London Plan;
- a failure to meet the legal requirements of duty to cooperate with neighbouring authorities and statutory agencies such as Heritage England is another major risk. Through early and ongoing engagement including working with the West London Alliance this can be mitigated;
- another significant risk is that the GLA consider the Local Plan not to be in general conformity with the new London Plan. The Local Plan has been produced to reflect the draft London Plan and the Council will ensure ongoing engagement with the GLA's London Plan team;
- a lack of political and local support for the Local Plan can be addressed through the cross-party Members Advisory Group who act as a sounding board for issues that the Local Plan should address.

5.5.3 If the review of the Community Infrastructure Levy (CIL) charging schedule is delayed there is a risk that the Council would not be charging an appropriate rate of CIL on new development to contribute to the costs of infrastructure arising from development across the Borough.

5.6 Equalities and Diversity

5.6.1 The Local Plan as identified in the LDS is subject to an Equalities Impact Assessment (EqIA). EqIAs are not a legal requirement under the Equality Act 2010 but the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 requires public authorities to have due regard to a number of equality considerations when exercising their functions and are a way of ensuring that the Public Sector Equality Duty has been complied with.

5.6.2 For Barnet's Local Plan an Integrated Impact Assessment (IA) will be undertaken. The Integrated Assessment includes elements of an Equality Impact Assessment and Health Impact Assessment as well as a Sustainability Appraisal and Strategic Environmental Assessment. This integrated approach will assess the impact of the Plan on social, economic, environmental, health and equality objectives.

5.7 Corporate Parenting

5.7.1 N/A

5.8 Consultation and Engagement

5.8.1 There are no external consultation requirements on the LDS except for

publishing the adoption version on Council's website.

5.9 **Insight**

5.9.1 N/A

6. **BACKGROUND PAPERS**

6.1 Policy and Resources Committee, 11 June 2018 (Decision item 8) approved the Local Development Scheme for publication.

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=9458&Ver=4>
